

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PHOTO EXCHANGE BBS, INC.
d/b/a SOUTHERNCHARMS.COM,
et al.,

Plaintiffs,

v.

Case No. 2:10-cv-566

JUDGE SARGUS

MAGISTRATE JUDGE DEAVERS

JONATHAN D. SHELINE, et al.,
Defendants.

OPINION AND ORDER

Presently before the Court is Plaintiffs' Motion for Default Judgment (Doc. 31), which the Court **GRANTS in PART**.

This case involves the operation of adult-themed websites. Plaintiffs Photo Exchange BBS, Inc., William Wesson, Laura Wesson, Richard Atkinson, and Judy Atkinson (collectively "Plaintiffs") bring claims against Jonathan Sheline and Jenny Sheline (collectively "the Shelines") and several unnamed Defendants for, inter alia, defamation, tortious interference, and copyright infringement. The Shelines initially defaulted, but, by Opinion and Order dated August 26, 2011, the Court granted relief from the entry of default. However, the Shelines again failed to defend this matter, and their default was entered by the Clerk for a second time on November 3, 2011. Plaintiffs now move for a default judgment seeking nearly \$16,000,000 in damages.

As this case involves multiple defendants, an entry of judgment against the Shelines is not appropriate at this time. *See, e.g., Frow v. De La Vega*, 82 U.S. 552 (1872); *Kimberly v. Coastline Coal Corp.*, No. 87-6199, 1988 WL 93305, at *3 (6th Cir. Sept. 9, 1988) (per curiam)

(“When a default is entered against one defendant in a multi-defendant case, the preferred practice is for the court to withhold granting a default judgment until the trial of the action on the merits against the remaining defendants. If plaintiff loses on the merits, the complaint should then be dismissed against both defaulting and non-defaulting defendants.”). The Court therefore denies without prejudice Plaintiffs’ request for a monetary judgment against the Shelines. At such time as the merits of this action are finally resolved, Plaintiffs may refile their motion.

Plaintiffs, however, have also moved the Court to compel the Shelines to produce the names and contact information of the John and Jane Doe Defendants named in the complaint. The Court grants this aspect of Plaintiffs’ Motion for Default Judgment. Accordingly, the Shelines are ordered to immediately disclose to Plaintiffs the names and contact information of the John and Jane Doe Defendants in the Shelines’ possession.

IT IS SO ORDERED.

11-17-2011
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE